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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/028,751
Filing Date: December 21, 2001
Appellant(s): LEVY ET AL.

William Y. Conwell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 20 July 2009 appealing from the Office action mailed 10 October 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,553,178	Abecassis	4-2003
5,794,210	Goldhaber	8-1998
5,978,013	Jones	11-1999
20030206632	Itoh	11-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 5, 7, 10-12, 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Abecassis (6,553,178 B2).

As per claim 5, Abecassis discloses a method of video content delivery, including providing entertainment video content having a fingerprinted or digitally watermarked

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promotional message therein, the promotional message interrupting and separating the entertainment video content into first and second portions, and sensing the fingerprint or watermark of the promotional message when the promotional message is rendered at a user device, wherein if the promotional message is skipped over to more rapidly reach the second portion of the entertainment video content, the failed sensing of the fingerprint or watermark serves to change the terms under which the entertainment video content is provided (column 6, lines 25-34; column 44, line 46 – column 45, line 9; column 39, line 53 - column 40, line 16; column 7, line 47- column 8, line 15; column 9, lines 2-14).

As per claim 7, Abecassis discloses a method of entertainment video content delivery, including providing entertainment video content having plural fingerprinted or digitally watermarked promotional messages therein, and sensing same as the entertainment video content is rendered at a user device, wherein sensing of one or more of said fingerprinted or watermarked messages entitles a user to access other content or capabilities as a reward for the user having viewed one or more promotional messages in the entertainment video content (abstract; column 45, line 1-29; column 46, line 42-50; column 48, lines 15-50).

As per claim 10, Abecassis discloses a method comprising:

rendering video entertainment content to a user, the video entertainment content including promotional content integrated therein, rather than interrupting same (column 44, lines 46-67; column 45, lines 10-18);

receiving a signal from a user interaction device indicating selection of the promotional content during the rendering of said video entertainment content (column 45, lines 10-18);

in response to said selection, providing to said user additional promotional information related to the selected promotional content (column 45, lines 30- 57); and

providing the user a reward for receiving said additional promotional information (column 48, lines 15-21).

As per claim 11, Abecassis further discloses the reward includes promotional points redeemable for premiums (column 48, lines 37- 50).

As per claim 12, Abecassis further discloses additional promotional information is provided to the user through a process that makes use of fingerprint or digital watermark information conveyed by said video content (column 45, lines 10-29; column 7, line 47- column 8, line 15; column 9, lines 2-14).

As per claim 22, Abecassis further discloses presenting linking options to the user, and receiving a user selection of one of said options (column 46, lines 1-15; column 48, lines 60-67).

As per claim 23, Abecassis further discloses conveying data relating to the linking options by one of the group consisting of: digital watermarking, Multicast IP, vertical blanking interval signaling, and file header data (column 1, lines 44-50).

As per claim 24, Abecassis further discloses the reward comprises a discount for a product promoted by said promotional content (column 48, lines 42-50).

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1. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (6,553,178 B2) in view of Itoh et al. (2003/0206632 A1).

As per claim 6, Abecassis further discloses a viewer's ability to skip advertisements by using the skip key and crediting/debiting the user's account based on viewing of selected advertisement (column 39, line 33- column 40, line 9).

Abecassis does not explicitly disclose the changed terms include assessing a charge for skipping the promotional message.

However, Itoh teaches a charge for skipping commercials (paragraph [0059, 0060]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Itoh's charge for skipping commercials to Abecassis video with watermark and ability to skip advertisements. One would be motivated to do this in order to track consumers' exposure to advertisers' promotional material which serve to justify their investment.

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (6,553,178 B2) in view of Goldhaber et al. (5,794,210).

As per claim 9, Abecassis discloses a method comprising:
receiving video content at a user device without paying a proprietor for the content rendering the video content for viewing (column 4, lines 30-35; column 48, lines 37-41).

Abecassis further discloses the detection of the fingerprint or digital watermark during rendering wherein consideration for the viewing is triggered by the viewing itself,

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rather than in advance of the viewing (abstract; column 45, line 1-29; column 46, line 42-50; column 48, lines 15-50).

Abecassis does not explicitly disclose a payment to said proprietor.

However, Goldhaber teaches content supported by revenue received from advertiser (column 1, line 50- column 2, line 12; column 8, lines 59-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Goldhaber's payment to content proprietor to Abecassis video with watermark. One would be motivated to do this in order to provide service providers with additional means of earning revenue.

3. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis (6,553,178 B2) in view of Jones et al. (5,978,013).

As per claim 25, Abecassis further discloses displaying an on-screen signal with the rendered entertainment content, to indicate that an opportunity exists for the user to earn credit by viewing additional information (figure 12A and 12B).

Abecassis does not explicitly disclose on-screen display to indicate to the user that credits can be earned by viewing additional information.

However, Jones teaches an on-screen display to indicate to the user that credits can be earned by viewing additional information (column 2, lines 48-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Jones' offer to earn credits to Abecassis on-screen notification. One would be motivated to do this in order to distribute promotional material to users and provide wider exposure to advertisers.

(10) Response to Argument

Examiner notes that the combination of the prior art renders obvious the features of the Appellant's representative independent claim 5.

In reference to the independent claim 5, the combination of prior art renders obvious:

video content delivery, including providing entertainment video content having a fingerprinted or digitally watermarked promotional message therein, the promotional message interrupting and separating the entertainment video content into first and second portions, and sensing the fingerprint or watermark of the promotional message when the promotional message is rendered at a user device, wherein if the promotional message is skipped over to more rapidly reach the second portion of the entertainment video content, the failed sensing of the fingerprint or watermark serves to change the terms under which the entertainment video content is provided (column 6, ll. 25-34; column 44, ll. 46 – column 45, ll. 9; column 39, ll. 53 - column 40, ll. 16; column 7, ll. 47- column 8, ll. 15; column 9, ll. 2-14).

And, the proceeding is anticipated in light of the rejection above.

1. On page 6 of Appellant's Appeal Brief dated 20 July 2009, Appellants initiate their arguments, however, there are no argument made in section 1.

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2. On page 8, Appellant states, "Abecassis does not '[sense] the fingerprint or watermark of the promotional message when the promotional message is rendered at a user device.'"

Examiner notes watermark as read in light of the Appellant's Specification concerning this feature:

"In systems like Digimarc's Image Commerce system, in which content providers pay an annual fee so they can watermark a unique identifier into their content (which identifier permits customers to link back to the content's source), the fee can be waived for adult content. Instead of including a unique ID, the watermark payload can include a default ID. (Page 9, ll. 8-10).

"...(The watermark may convey an index value that is associated - through a remote data store - with the programming subject, or the watermark may literally convey a code corresponding to the programming subject.)" (page 5, ll. 1-3).

Examiner Interprets watermark or fingerprint to be equivalent to an identifier or a code assigned to content.

In reference to sensing the watermark or fingerprint of the promotional message, Abecassis discloses category codes that recognize and identify each segment of the content. Abecassis discloses a system that recognizes these unique id codes in the content as requiring the viewer to take an action. Further, Abecassis discloses a video map in which unique identifiers identify segments of the video and may be used to interrupt or skip a segment. Abecassis further discloses an advertisement as an example of content-on-demand which is delivered to the viewer on the viewer's device. Also note that Abecassis discloses content codes are assigned to a segment of a video

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which as previously disclosed is delivered to the viewer's device in order to prompt the viewer to interact with his/her device.

The following is the passages relied on in Abecassis are:

Upon a playing of a video, the control program causes the reading of the video's identifier from the video source 501, (Abecassis, Column 22, ll. 14-20).

Meeting the objectives of being able to provide both a standardized set of descriptive structures that will permit the automatic application of a viewer's content preferences to a variety of videos, and provide the producer of the video the flexibility described above, are accomplished by assigning unique category codes to each set of pre-established standardized content categories and by reserving a range of category codes that will be recognized by the system as requiring interactive input by the viewer. For example, category codes ending in 9, codes with a tens digit being a 9, and or codes from 900 to 999 ("producer code") are reserved as independent of the standard categories. (Abecassis, Column 9, ll. 3-14).

Once a video server or Video CD has learned a viewer's content preferences it will thereafter automatically apply those content preferences to the video map of any content-on-demand video the viewer has selected. By applying a viewer's video content preferences as they relate to the video segment map of the selected video, the random access device gains the information to automatically exclude segments of the video containing material which the viewer does not wish to view, and to transmit as a logical seamless and continuous video, only those sequential or non-sequential segments of the video whose content and form of expression are consistent with the viewer's video content preferences. The resulting version of a video that is provided each viewer automatically provides scenes of the video at the desired level of explicitness and detail that the viewer desires. (Abecassis, Column 2, ll. 64 - Column 5, ll. 12).

The content-on-demand architecture applies as well to movies, news, sports, educational programming, and to advertisements. The advertisement embodiments of the teachings of content-on-demand results in advertisements, commercials, and informationals of greater value to the viewer and to the sponsor. (Abecassis, Column 4, ll. 30-35).

Referring now in detail to the drawings wherein like parts are designated by like reference numerals, throughout, FIG. 1A illustrates an example of a segment descriptive structure utilized to review the contents of each segment of a video. Generally, a descriptive structure is a matrix of content categories and a corresponding coding scale utilized to assign a content code to a segment of a

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video. As is detailed below, the descriptive structures are not limited to the coding of possibly objectionable content material. (Abecassis, Column 7, ll. 47-55).

Hence, Abecassis anticipates sensing the fingerprint or watermark of the promotional message when the promotional message is rendered at a user device.

Examiner further notes that the Office Action dated 10 October is the current and valid Final rejection. The Examiner found additional citations in the prior art to validate the rejection.

Appellant further argues that “Abecassis does not teach a fingerprint, so does not anticipate.”

Examiner notes that it is the Appellant's claims as stated in the Appellant's claims that are being rejected with the prior art. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In interpreting claim language, the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art is applied, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description. See *In re Morris*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). See also *In ream. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) and *In re Sneed*, 710 F.2d 1544, 1548 (Fed. Cir. 1983). Claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000). It is

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Appellant's burden to precisely define the invention. See *In re Morris*, 127 F.3d 1048, 1056 (Fed. Cir. 1997).

Examiner further notes that Appellant's claim 1 describes watermark to be equivalent to fingerprint as mentioned in the previous argument, however repeated and underlined here for emphasis:

‘[sense] the fingerprint or watermark of the promotional message when the promotional message is rendered at a user device.’

Examiner notes that the previous response is applicable in response to this argument.

Appellant further argues that “claim 5 requires a ‘promotional message interrupting and separating the entertainment video content into first and second portions...” “However, contradictorily, the Office also argues the opposite limitation - found in claim 10 - is met (‘content including promotional content integrated therein, rather than interrupting same’). It is one or the other. Either the limitation in claim 5 is met, or the limitation in claim 10 is met; not both.”

Examiner notes that Abecassis discloses a content in which a segment may be skipped or "interrupted" due to it being a possible objectionable segment. The portion of the prior art relied on is as follows:

The skip and replay keys provide the viewer access to the functions that utilize the capabilities that are made possible by a video segment map. During the viewing of a video, pressing the skip key causes the automatic skipping of the further transmission of the current segment, and the instantaneous transmission of the next logical segment.

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For example, during the viewing of a panel discussion, a viewer may for a variety of reasons prefer to exclude a panelist from the program. This the viewer can effectively do with the skip function. That is each time the panelist begins to speak, the panelist gets skipped. Advanced skip functions automate the skipping of every instance of the appearance in the program of that panelist. Similarly, a skip back key or a replay key replays the current segment or the immediately ended segment.

It is noted that segment definitions for the skip and replay functions need not be congruent with other content segment definitions. That is a segment skipping request may cause the skipping of a plurality of related segments.

The video map provides beginning and end segment identifiers and the identifier of the next logical segment. A video map makes possible intra-video functions that would otherwise not be available.

Other functions permit interactive modification of the video map. The edit keys 1061 permit flagging a segment during the viewing of the video. The segment exclude key permits the viewer to cause the current scene to be automatically excluded the next time the program is viewed. The segment include key is utilized for example, by a parent to indicate that a possibly objectionable segment may be included in the program provided a child. (Abecassis, Column 39, ll. 53—Column 40, ll. 16).

Appellant states in regards to claim 10 that "content including promotional content integrated therein, rather than interrupting same". Examiner notes that Abecassis discloses a video may be content with advertisement may be transmitted "as a logical seamless and continuous video." Abecassis further discloses that a video may be an advertisement. The passage relied on is:

Once a video server or Video CD has learned a viewer's content preferences it will thereafter automatically apply those content preferences to the video map of any content-on-demand video the viewer has selected. By applying a viewer's video content preferences as they relate to the video segment map of the selected video, the random access device gains the information to automatically exclude segments of the video containing material which the viewer does not wish to view, and to transmit as a logical seamless and continuous video, only those sequential or non-sequential segments of the video whose content and form of expression are consistent with the viewer's video content

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preferences. The resulting version of a video that is provided each viewer automatically provides scenes of the video at the desired level of explicitness and detail that the viewer desires. (Abecassis, Column 2, ll. 64 – Column 3, ll. 12).

As indicated at the outset, the content-on-demand architecture applies as well to movies, news, sports, educational videos, and to advertisements. (Abecassis, Column 44, ll. 46-48).

Hence, the prior art anticipates promotional message interrupting and separating the entertainment video content into first and second portions and further anticipates content including promotional content integrated therein, rather than interrupting same.

3. On page 10, Appellant states “Abecassis does not teach digitally watermarked promotional messages...nor fingerprints.” Examiner notes that this argument is similar to a previous argument. Please see response above.

Appellant further argues that “Abecassis does not teach sensing of one or more fingerprinted or watermarked messages as entitling a user to access other content or capabilities as a reward for ‘having viewed’ one or more such promotional messages.

Examiner notes that Abecassis discloses as previously discussed “sensing of one or more fingerprinted or watermarked messages”. Abecassis further discloses a viewer may be compensated for viewing an advertisement. The compensation may be in the form of subsidizing the viewer’s utilization of other video services. The passage relied on is as follows:

A random access pointcast architecture provides the means for a viewer to select and retrieve a desired advertisement, and provides the means to compensate the viewer for the verified apparent viewing of the advertisement.

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Such a system provides a closer match between the viewer's interest and the object of the advertisement, and further increases the potential purchase by the viewer of the promoted product or service, than a system directed to an inclusion/exclusion determination.

When the viewer selected video is an advertisement, video server software credits a viewer's viewing of an advertisement towards the charges incurred by the viewer in the selection of other video services for which the viewer may incur a charge. By subsidizing a viewer's utilization of other video services with a credit received for the viewing of a selected advertisement, the viewer receives compensation independently of the purchase of the advertised product or service. (Abecassis, Column 45, ll. 1-18).

Hence, the prior art anticipates sensing of one or more fingerprinted or watermarked messages as entitling a user to access other content or capabilities as a reward for 'having viewed' one or more such promotional messages.

4. On page 12, Appellant states "Abecassis is silent on "receiving a signal from a user interaction device indicating selection of the promotional content during the rendering of said video entertainment content." Examiner notes that Abecassis discloses a viewer selecting an advertisement while viewing content-on-demand which contains the viewer's preferences. The viewer is compensated once it is verified that the advertisement has been viewed. The advertiser will only release the promised credit for viewing the advertisement once it is verified that the viewer has viewed the advertisement. Abecassis further discloses a verification routine "1150" is enabled to that may require the viewer to take an action or the verification may be transparent to the viewer. The passages relied on is as follows:

When the viewer selected video is an advertisement, video server software credits a viewer's viewing of an advertisement towards the charges

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incurred by the viewer in the selection of other video services for which the viewer may incur a charge. By subsidizing a viewer's utilization of other video services with a credit received for the viewing of a selected advertisement, the viewer receives compensation independently of the purchase of the advertised product or service.(Abecassis, Column 45, ll. 10-18).

If the video is associated with a credit 1140 such as may be case with the viewing of an advertisement, a video viewing verification routine 1150 may be enabled. Otherwise the viewing of the video is presumed and the viewing of the video is credited 1160.

If a viewer verification routine is enabled 1150, at a point in the transmission of the video, a request 1152 is made of the viewer requiring that the viewer respond by any one of the viewer access means that may be implemented in the viewer's RAViT. The request may be as simple as a graphic at the bottom of the screen requesting that the viewer press the play key in a remote control unit.(Abecassis, Column 46, ll.16-28).

Hence the prior art anticipates receiving a signal from a user interaction device indicating selection of the promotional content during the rendering of said video entertainment content.

6. On page 13, Appellant states "Abecassis does not teach a digital watermark, nor a fingerprint." Examiner notes that a similar argument was previously made. Please see response above.

7. On page 13, Appellant states "the arrangement defined by claim 22 is not taught." Claim 22 reads:

The method of claim 10 in which said providing includes presenting linking options to the user, and receiving a user selection of one of said options.

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Examiner notes that linking options as read in light of the Appellant's Specification concerning this feature on page 6, ll. 8-11.

A catalog of available audio and/or video can then be searched in accordance with such meta data to identify related content. The results of the search can be presented to the viewer, who can choose one or more for linking.

Examiner further notes that Abecassis discloses a viewer's preferences are learned and once learned the content preferences are applied to the content-on-demand video. Therefore only the content that is consistent with the viewer's preferences will be delivered to the viewer for viewing purposes. For example based on the viewer's preferences, advertisements may be presented to the viewer for selection.

Once a video server or Video CD has learned a viewer's content preferences it will thereafter automatically apply those content preferences to the video map of any content-on-demand video the viewer has selected. By applying a viewer's video content preferences as they relate to the video segment map of the selected video, the random access device gains the information to automatically exclude segments of the video containing material which the viewer does not wish to view, and to transmit as a logical seamless and continuous video, only those sequential or non-sequential segments of the video whose content and form of expression are consistent with the viewer's video content preferences. The resulting version of a video that is provided each viewer automatically provides scenes of the video at the desired level of explicitness and detail that the viewer desires. (Abecassis, Column 2, ll. 64 – Column 3, ll. 12).

Accordingly, for example, a user wishing to retrieve a summary, analysis, and background regarding a particular news event, will enter his/her request, and a keyword analysis of the request will then result in an on-line linkage through the service center to a database containing information on the videobases for the subject matter desired. In this example, a news source remotely located, will download a listing of the various sources of summary, analysis, background information, the corresponding video maps where available and necessary, and the overall lengths and costs, if any, of each segment. Based on this listing, the user may at his/her leisure produce a request for a video for his/her own viewing. In this example, a video comprising a 10 min summary from a news source, a 5 min analysis from another service, a 10 min analysis from a private source, a 30

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minute lecture from a university, and copies of a relevant data from the Library of Congress are requested. (Abecassis, Column 36, ll. 1-16).

As indicated at the outset, the content-on-demand architecture applies as well to movies, news, sports, educational videos, and to advertisements. The content-on-demand video delivery system herein detailed includes the delivery of advertisements, informationals, commercials, and other videos for the promotion of products and services ("advertisement"). It should be clearly noted that the specification herein is directed to any form of video, and applies as well to advertisements. For example, wherever the word "video" appears in the flow chart of FIG. 10A and the corresponding detailed descriptions it could very well be replaced with the term "advertisement".

A viewer may not object to, and in fact may request, the inclusion of advertisements, which are informational in nature, presented in a manner consistent with his/her taste level, for a product or service in which the viewer may have an interest; especially if the acceptance for viewing of such an advertisement will additionally reduce the cost of, or subsidize, other videos obtained by the viewer. However, teachings that are confined to whether an advertisement is, or not, included in a program fails to realize the advantages of a random access pointcast architecture.

A random access pointcast architecture provides the means for a viewer to select and retrieve a desired advertisement, and provides the means to compensate the viewer for the verified apparent viewing of the advertisement. Such a system provides a closer match between the viewer's interest and the object of the advertisement, and further increases the potential purchase by the viewer of the promoted product or service, than a system directed to an inclusion/exclusion determination. (Abecassis, Column 44, ll. 46 – Column 45, ll. 9).

Hence, the prior art anticipates presenting linking options to the user, and receiving a user selection of one of said options.

8. Claim 23 is dependent on claim 22.
9. Claim 24 is dependent on claim 10.
10. Examiner notes that Appellant does not present an argument. Claim 6 is dependent on claim 5.

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11. On page 16, Appellant states "Neither of the references teaches or suggests detecting fingerprints, or digital watermarks, in rendered video content." Examiner notes that this argument is similar to a previous argument. Please see response above.

Appellant further states "Neither of the references teaches or suggests triggering a payment based on detection of a fingerprint/digital watermark during rendering."

Examiner notes it was already established in claim 1 that Abecassis discloses the detection of a fingerprint or watermark. Goldhaber is cited for its disclosure of triggering a payment to a proprietor of a website based on the detection of a fingerprint/digital watermark during rendering. Goldhaber discloses advertisers paying the mass media to deliver their advertisements. Goldhaber further discloses a service operator, where Examiner interprets to be equivalent of a web site proprietor, receives compensation from advertisers for delivering their advertisements. Abecassis further discloses an advertisement as an example of content-on-demand which is delivered to the viewer on the viewer's device. Also note that Abecassis discloses content codes are assigned to a segment of a video which as previously disclosed is delivered to the viewer's device. Also, Examiner interprets a service operator to be equivalent to a proprietor. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add Goldhaber's payment to a content proprietor to Abecassis video with watermark. One would be motivated to do this in order to provide service providers with additional means of earning revenue. The passages relied on in Goldhaber are as follows:

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Advertising "sponsorship" in this traditional mass media advertising model has been a mechanism by which economic value is passed indirectly from an advertiser to a consumer. Advertisers "sponsor" content by paying the mass media to deliver their advertisements with the content. Traditionally, advertisers often want their advertisements inextricably embedded within the content itself so the advertisements are more certain to reach the mass media audience. For example, some advertisers have television and radio commentators work advertising "pitches" into their commentary. Other advertisers have televised/photographed race car drivers emblazon their cars with advertising slogans. Still other advertisers have film actors or actresses use the advertiser's products as part of their role playing. Moreover, the now-standard technique of pacing commercial television programming to intersperse advertising at various points within the programming is designed to make it more difficult for viewers to not pay attention to the advertisements.(Goldhaber, Column 1, ll. 62 – Column 2, ll. 12).

The service provided by the present invention can be offered free to the consumer, with the service operator receiving compensation from advertisers. (Goldhaber, Column 8, ll. 59-61).

Appellant further states "Neither of the references teaches or suggests consideration for viewing being triggered by the viewing itself - rather than in advance of the viewing." Examiner notes that it has already been established that Abecassis discloses a viewer is credited for viewing an advertisement only after the verification process is complete. Therefore, prior art reads on the claim since confirmation and credit for viewing an advertisement is provided after the verification process. Abecassis discloses that the system verifies that the viewer has seen the advertisement by means of a verification process, and only after does the system compensate the viewer. The viewer is not compensated if the advertisement is not viewed. A similar argument was previously presented. Please see response for section 4 above.

Hence, the Abecassis and Goldhaber combination discloses detecting fingerprints, or digital watermarks, in rendered video content; triggering a payment [to

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said proprietor] based on detection of a fingerprint/digital watermark during rendering; and consideration for viewing being triggered by the viewing itself - rather than in advance of the viewing.

12. On page 17, Appellant states "Jones is cited as teaching 'an on-screen display to indicate to the user that credit can be earned by viewing additional information...'

However, examination of the cited excerpt finds no such teaching." Examiner notes that Abecassis discloses providing the viewer with an option in Figures 12A and 12B.

Abecassis further discloses that the viewer is aware of the option to be compensated for viewing an advertisement. The passage relied on is the following:

A viewer may not object to, and in fact may request, the inclusion of advertisements, which are informational in nature, presented in a manner consistent with his/her taste level, for a product or service in which the viewer may have an interest; especially if the acceptance for viewing of such an advertisement will additionally reduce the cost of, or subsidize, other videos obtained by the viewer. However, teachings that are confined to whether an advertisement is, or not, included in a program fails to realize the advantages of a random access pointcast architecture.(Abecassis, Column 44, ll. 58-67).

Examiner notes that once the viewer agrees to view the advertisement and takes action if action is required. Abecassis provides an example:

...the viewer may be asked to select one of a plurality of choices. This would be advantageous when the advertisement comprises interactive elements. (Abecassis, Column 46, ll. 29-31).

Also, once the system has verified that the viewer has viewed the advertisement the system informs the user of the credit for having viewed the advertisement.

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Jones is cited for teaching a viewer is informed of a potential coupon for which the viewer may have an interest in. The system informs the viewer that the coupon may be printed once a suitable response is submitted. The passage relied on is as follows:

The present invention is a system for generating a token such as a product coupon or a ticket that is offered to a television viewer through a televised offer, such as a product advertisement. For example, an advertisement may notify the television viewer that a coupon is available for a product. The viewer can print a coupon by entering a suitable response on an input device, such as a television remote control unit. The viewer can only generate a token within a predetermined time period or window and can only do so once during the time period corresponding to a discrete televised offer. The possibility of unauthorized token duplication and resulting fraud is thus minimized. (Jones, Column 2, ll. 48-58).

Hence Abecassis or Jones disclose an on-screen display to indicate to the user that credit can be earned by viewing additional information.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

ALB

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